IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9112/06
Shyam Sunder Kamra & Anr. Vs. Smt. Seema Ahuja & Ors.

Date of order : 12/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Laxman Madnani for the petitioner.

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The petitioner has challenged the order dated 25.8.2006. Learned counsel for the petitioner has argued that by the aforesaid order the learned trial court while allowing the application of the plaintiff-respondents has permitted the copy of the memorandum of family settlement to be placed on record by recourse to Order 11 Rule 12/14 of CPC. It was argued that aforesaid Rule cannot be interpreted in a way to allow a document to be placed on record of which there is no reference in the plaint. It was argued that plaintiff was seeking to improve upon

the case.

Having heard the learned counsel for the petitioner, I find that the petitioner should raise the argument at the stage of final hearing as to what would be the effect of production of a document, reference of which was not made in the pleadings inasmuch as what would be the relevance and evidentiary value of that document. All these mattes are appreciation of facts, which cannot be interfered with at the interlocutory stage.

I do not find any merit in this writ petition.

The writ petition is dismissed.

(MOHAMMAD RAFIQ), J.

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